

United States Senate

July 7, 2023

Brian C. Cornell
Chairman and Chief Executive Officer
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

Dear Mr. Cornell,

I write regarding Target's so-called "Diversity, Equity, and Inclusion" (DEI) program. Last week, the Supreme Court struck down affirmative action programs in higher education, holding that those programs impermissibly discriminated between college applicants based on race. Though that case focused on colleges, the same principles and indeed the plain text of federal law also cover private employers. Target's DEI program applies the same race-based criteria to job offers, promotions, and business partnerships, and is similarly prohibited under federal civil rights laws.

In September 2020, Target publicly pledged to impose a racial quota for hiring decisions, announcing that it would increase the number of black employees by 20%. This is not the only racially discriminatory plan in Target's DEI initiatives; Target also promised to direct more than \$2 billion to businesses selected based on the skin color of the owners.

The Supreme Court was clear in its recent opinion that "eliminating racial discrimination means eliminating all of it." As Justice Gorsuch, joined by Justice Thomas, explained in a concurring opinion, private employers (including not just universities, but also companies like Target) are also prohibited from treating employees or job applicants differently based on race.

I urge you to immediately end all of Target's race-based employment and partnership practices. If you fail to do so, in the wake of the Supreme Court's recent decision you should expect significant and likely costly litigation.



Tom Cotton
United States Senator